

BOARD OF REVIEW DECISION

Title of publication: Things i want to do before Wrath Day

Other known title(s): Things I will do before Wrath Day

OFLC ref: 1900547.001

Medium: Text File

Publisher: Not stated
Not applicable

Country of origin: Aotearoa New Zealand

Language: English

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publications is restricted to psychiatrists, psychologists and other clinical therapists working with the Owner in a therapeutic way to assist him to deal with mental and emotional health issues.
------------------------	---

Descriptive note: None

Display conditions: None

Date of entry in Register: 29 May 2020

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 29 May 2020

Summary of reasons for decision:

This was an application to the Board under section 47(2)(a) of the Films, Videos and Publications Classification Act 1993 (the Act) by the Applicant, the New Zealand Police, for a review of the decision of the Office of Film and Literature Classification (the Classification Office) dated 12 December 2019.

The publications consisted of five separate “Notepad” text files, reportedly found by the Applicant on the computer belonging to a New Zealander teenager (the Owner), in the course of the Applicant executing a search warrant for other matters. The Owner has also been confirmed as the creator of the publications. As a whole, the publications detail the Owner’s thoughts on various groups he hates, and describe plans for both a sexual assault and murder of a young girl at a nature reserve, as well as an attack in the form of a mass shooting at the Owner’s school.

In its decision, the Board classified the publications as objectionable under the Act except if the availability of the publications is restricted to psychiatrists, psychologists and other clinical therapists working with the Owner in a therapeutic way to assist him to deal with mental and emotional health issues. It held that three of the publications must be deemed objectionable in terms of section 3(2)(a) of the Act because they promote or support, or tend to promote or support, the exploitation of children for sexual purposes.

The Board also held that even had it not decided that the publications be deemed objectionable, it would have determined them to be objectionable under section 3(3)(c) and (d) because they degraded, dehumanised and demeaned children or young persons, and promoted or encouraged criminal acts or acts of terrorism.

The remaining two publications were determined by the Board to be objectionable under section 3(3)(d) because they promote or encourage criminal acts or acts of terrorism.

The Board rejected the submission of the Owner that the publications were the private diary musings of a teenager and that to find them objectionable would be tantamount to censoring private thoughts. The Board is required to consider whether the availability of the publications is likely to be injurious to the public good. In making a finding of objectionableness, the Board is not required to find that the publications would actually be made available to any members of the public. The Board is required to consider whether there would be injury to the public good if the publications were made available to members of the public. Issues such as who might the publications be made available to, and the likelihood of this occurring, are nonetheless pertinent.